

REMARKS

Claims 31-50 and 52 stand rejected; and claim 51 is objected to as being allowable if rewritten in independent form.

Review and reconsideration on the merits are requested.

In response to the objection to the disclosure, the specification has been amended to define the various acronyms appearing in paragraphs [37], [61] and [81] in accordance with their art-recognized meaning.

In response to the claim objection, the noted informality in claim 32 as incorporated into claims 31 and 43 has been corrected.

Applicants agree that the phrase "...wherein the content of ..." in claims 32, 33 and 39 is synonymous with "...wherein the concentration of ..." and that the transitional term "contains" as set forth in claims 34, 35, 40 and 41 is open-ended.

In response to the rejection of claims 31-49 under the judicially created doctrine of obviousness-type double patenting, the common Assignee submits herewith a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,627,336, to thereby obviate the foregoing rejection. Withdrawal is respectfully requested.

In response to the rejection of claims 31, 44, 47 and 50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6, 7, 9 and 11-

15 of U.S. Patent No. 6,337,301 in view of "Applicants' admission", Applicants respond as follows.

As claimed in present claim 31, the aqueous dispersion of titanium oxide particles comprises chloride ion and a specific Brønsted base. Although the titanium oxide sol in US '301 is prepared from titanium tetrachloride (column 5, lines 49-51), the claims of US '301 are silent with respect to the specified Brønsted base. Zirconium nitrate is not relevant to the rejected claims.

Withdrawal of the foregoing rejection is respectfully requested.

In response to the rejection of claims 31, 32, 47 and 50 under the judicially created doctrine of obviousness-type double patenting, the common Assignee submits herewith a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,479,141, to thereby obviate the foregoing rejection. Withdrawal is respectfully requested.

Claims 31, 33, 35, 36, 43, 44, 46, 47, 49, 50 and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 97/10185 corresponding to US 6,037,289 to Chopin et al.

Claims 31, 33, 34, 44 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0581216 (EP '216).

In response, independent claims 31 and 43 have been amended to incorporate therein the recitation of non-rejected claim 32 (i.e., the content of chloride ion and the Brønsted base is in the range of about 50 ppm to about 10,000 ppm as the total anionic content in the aqueous

titanium oxide dispersion), to thereby obviate the foregoing rejections. Withdrawal is respectfully requested.

Claims 31, 35, 37, 38 and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,589,347 to Arai et al. Arai et al was cited as teaching a multilayer analysis element comprising a brookite-type titanium dioxide particles obtained from an aqueous liquid comprising a phosphate buffer and an adhesive layer.

Applicants respond as follows.

The rejection of claims 31 and 35 is obviated by the amendment of claim 31 incorporating therein the recitation of non-rejected claim 32. Applicants further comment as follows.

The cited passage of Arai et al refers to a light-shielding layer comprising fine particles of titanium dioxide having a particle diameter of from 0.1 μm to about 1.2 μm of rutile, anatase or brookite-type titanium dioxide (column 4, lines 39-58). The light-shielding layer may be provided by coating an aqueous dispersion of light-shielding fine particles and a hydrophilic polymer on a reagent layer or hydrophilic layer and drying it by a known method (column 5, lines 4-7). An adhesive layer may be provided to stack and bond the light-shielding layer (column 5, lines 16-17).

Claim 37 requires a titanium oxide film formed on a surface of the base material with an aqueous dispersion of titanium oxide particles comprising chloride ion and at least one Brønsted base selected from those specified in the Markush grouping. There is no disclosure in Arai et al of the aqueous dispersion of light-shielding fine particles containing chloride ion. The phosphate

buffer cited at column 8, lines 45-67 is included in the layer containing an enzyme (column 8, lines 63-64), and has nothing to do with light-shielding layer.

Thus, Arai et al. is silent as to an aqueous dispersion of titanium oxide particles comprising chloride ion and the specified Brønsted base, and of course is silent as to the specified content of chloride ion and Brønsted base in the aqueous titanium oxide dispersion.

For the above reasons, it is respectfully submitted that claims 37, 38 and 41 are also not anticipated by Arai et al., and withdrawal of the foregoing rejection under 35 U.S.C. § 102(b) is respectfully requested.

Withdrawal of all rejections and allowance of claims 31 and 33-52 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/628,374

Q76693

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Respectfully submitted,



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